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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/763,719	
	Filing Date	January 23, 2004	
	First Named Inventor	Thomas Zdeblick et al.	
	Art Unit	3774	
	Examiner Name	Alvin J. Stewart	
Total Number of Pages in This Submission	16	Attorney Docket Number	MSDI-200/PC261.21

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	May 1, 2008	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Alvin J. Stewart
)	
Serial No. 10/763,719)	Group Art Unit 3732
)	
Filed January 23, 2004)	Ref. No. MSDI-200/ PC261.21
)	
METHODS AND INSTRUMENTS)	May 1, 2008
FOR INTERBODY FUSION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated February 1, 2008, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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May 1, 2008	_____
Date of Deposit	_____
Brad A. Schepers	_____
Name of Registered Representative	_____
	_____
Signature	_____
May 1, 2008	_____
Date of Signature	_____

INTRODUCTORY COMMENTS

Claims 15-23, 39-43, 45-47, 49-52, 54, 55, 65, 67 and 71 were pending in the subject application for the non-final Office Action dated February 1, 2008. Claims 15-23, 41-43, 51, 52, 65 and 67 have been allowed. Claim 39 has been withdrawn from consideration. Claims 54 and 55 have been objected to as being dependent upon a rejected based claim, but have been indicated as allowable if rewritten in independent form. The remaining claims currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.